IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 282 OF 2007

The Chairman, Maharashtra Public Service Commission ... Petitioner

Versus

Popat Bhanudas Khedkar ...Respondent

Mr. S.R. Atre, instructed by Ms. Leena Patil, for the petitioner.
Mr. N.V. Bandiwadekar for the respondent.

CORAM: **H.L. GOKHALE, Ag. C.J.,** &
V.M. KANADE, J.
DATE: **JANUARY 16, 2007**.

P.C.

Heard Mr. Atre in support of the petition and Mr. Bandiwadekar for the respondent.

2. The respondent had applied for the post of Assistant Motor Vehicle Inspector. Earlier he was employed in Armed Forces. One of the qualifications set out is that the person must be of the height of 163 cms. When the height was measured by the authorities concerned it was found to be 162.5 cms. That led to the respondent filing an original application to the Maharashtra Administrative Tribunal. The Tribunal relied on an order passed by a Division Bench of this Court in another matter i.e. Writ Petition No. 377 of 2006 and directed the authorities to

get the height of the respondent measured once again though now from the Government Hospital and in the presence of an Officer from the Transport Commissioner.

3. Mr. Atre submits that such an order was not called for. The rules are clear and the Officers concerned had done their job correctly. We quite see force in the submission of Mr.Atre. However, this is almost a border line case and we are of the view that the order passed by the Tribunal is essentially with a view to remove any doubt that may exist. The order should not be read as creating any particular precedent. It is only for this reason that we are not interfering with the order. The authorities concerned will act in accordance with the order passed by the Tribunal. Petition is dismissed.

ACTING CHIEF JUSTICE

V.M. KANADE, J.